



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/603,069 | 06/24/2003 | William B. Dawson | KEY1027US | 8612 |

9561 7590 04/16/2004

POPOVICH, WILES & O'CONNELL, PA
650 THIRD AVENUE SOUTH
SUITE 600
MINNEAPOLIS, MN 55402

EXAMINER

SALDANO, LISA M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3673

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,069

Applicant(s)

DAWSON, WILLIAM B.

Examiner

Lisa M. Saldano

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

2. Claims 4 and 7 are objected to because of the following informalities:

Regarding claim 4 (page 17, line 13) and claim 7 (page 18, line 4), the applicant recites limitations wherein "...the recessed region..." Since these phrases represent the first time the applicant mentions a recessed region, the examiner suggests that the applicant state "a recessed region" instead.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDonald et al (US-2002/0187010-A1) in view of Olney (1,924,724).

Regarding claims 1 and 4, MacDonald et al disclose a retaining wall block 1 and a retaining wall 90, 190. Each of the wall blocks comprise a top, bottom, two sides, a front and a rear surface defining a block body (see Figs. 1-8). MacDonald also discloses neck portions 14,15 defining a core 13 between head and rear portions of the block, wherein the head and rear portions are defined by front and rear surfaces of the block. Two cavities 18,19 define first and second web portion between cavities 18,19 and side surfaces 24,25. In the embodiment illustrated on Figs. 7, 8 and 13, MacDonald discloses connector plates 80 with channels 70,72 therein to accommodate upwardly extending pins 50 and rods 85. The connector plates are located in recesses of the blocks. The pins engage blocks of a lower course of blocks to blocks of an upper course (see page 3, paragraph [0046]).

Regarding claims 2 and 5, MacDonald et al disclose a partition at 8 that divides the cavity into two distinct cavities 18,19.

Regarding claims 3 and 6, MacDonald et al disclose a that the pin 50 is has a circular cross-section (see Fig.13).

Art Unit: 3673

However, MacDonald fails to disclose that the connector plate may comprise a channel shape with side segments connected by a bridge such that the segments straddle a web portion of the block.

Olney discloses a concrete wall comprising connecting bars 1 that have first and second side segments 2,6 as well as a bridge. The connecting bars straddle outer surfaces of outer facing members 9. A reinforcing rod or pin 10 extends from the connecting bars to tie facing members to each other.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the connecting plates of MacDonald et al to comprise a channel shape straddling the outer surfaces of the MacDonald web, as taught by Olney, because it is the functional equivalent of providing a means to retain rods 85 while also providing a plate to locate pins for engaging lower and upper courses of blocks to one another. Moreover, provision of the straddling side segments taught by Olney further secure the connecting plates to the web portion by restraining the connecting plate to the limits of the outer surface of the web portion.

Regarding claim 7, although MacDonald et al fail to explicitly claim a method for making a retaining wall, the disclosure of MacDonald et al discloses the basic method steps required to develop the method steps claimed by the applicant of the present invention.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dawson (5,913,790), George (5,881,515), Orton (4,998,397), Young (4,009,550), and MacDonald et al (6,615,561) disclose features pertinent to the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HEATHER SHACKELFORD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600